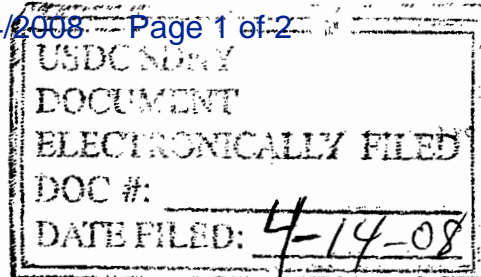




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



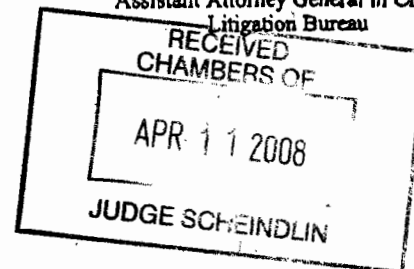
ANDREW M. CUOMO  
Attorney General

April 11, 2008

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

Via Fax (212)805-7920  
Hon. Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau



Re: Coleman v Cudney  
07CV7790 (SAS)(HBP)

Dear Judge Scheindlin:

This letter is written with the consent of Attorneys Elora Mukerjee and Matthew Brinkhoff, prospective counsel for plaintiff, to request an extension for time from April 15, 2008 until April 22, 2008 to file a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(c) on behalf of remaining defendants Parole Revocation Specialist Edward Del Rio, Parole Officer Sharon Henry, Senior Parole Officer John Zwaryczuk and Parole Officer Barbara Cudney ("Parole defendants"). No previous requests have been made for such an extension.

The motion schedule set during March 11<sup>th</sup> conference states that parole defendants' motion is due by April 15<sup>th</sup>; plaintiff's opposition is due by April 29<sup>th</sup> and parole defendants' reply is due by May 9<sup>th</sup>. Although the Court noted that the motion dates should be without extension, we are making this application for a one week extension to permit additional time to determine what discovery documents may be submitted as exhibits in support of defendants' motion. I anticipate that work on the motion, including supervisory review, can be completed by April 22<sup>nd</sup> because I will be out of town for the Passover holidays from April 17<sup>th</sup> until April 21<sup>st</sup>. Additionally, this office only today learned that plaintiff has retained counsel and needs the additional time to determine the ramifications of that for the contemplated motion. Particularly, Attorney Mukerjee indicated that she will be filing a notice of appearance on plaintiff's behalf, and may wish to discuss with me the possibility of filing an amended complaint.

*With great reluctance the one-week adjournment is granted. New schedule April 22; May 6; May 16. No party may contact the court for any further adjournment. So ordered. Jaffer USD 4/11/08*

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<http://www.oeg.state.ny.us>

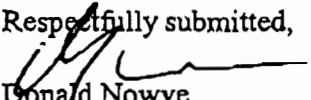
Hon. Shira A. Scheindlin  
United States District Judge

April 11, 2008

Page Two

Accordingly, if acceptable to the Court, the revised motion schedule would be as follows:

April 22<sup>nd</sup> for parole defendants' motion papers;  
May 6<sup>th</sup> for plaintiff's opposition papers;  
May 16<sup>th</sup> for parole defendants' reply papers

Respectfully submitted,  
  
Donald Nowve  
Assistant Attorney General  
(212)416-8227

c: Via Fax (212)763-5001  
Elora Mukherjee, Esq.  
Emery, Celli, Brinkerhoff & Abady, LLP.